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Attorneys for Media Interveners
LOS ANGELES TIMES COMMUNICATIONS LCC
and SOUTHERN CALIFORNIA PUBLIC RADIO

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

ASSOCIATION FOR LOS ANGELES
DEPUTY SHERIFFS,

Petitioner/Plaintiff,

v.

COUNTY OF LOS ANGELES, et al.,

Respondents/Defendants.

) Case No.: 19STCP00166
) (related case no. 19STCP00118)
)

) **REQUEST FOR JUDICIAL NOTICE;**
) **DECLARATION OF KELLY AVILES**
) **WITH EXHIBITS G-H.**
)

) Date: February 15, 2019
) Time: 9:30 a.m.
) Dept.: 86
) Judge: Hon. Mitchell Beckloff
)

LOS ANGELES TIMES
COMMUNICATIONS LLC and
SOUTHERN CALIFORNIA PUBLIC
RADIO,

Media Interveners.

1 Pursuant to Evidence Code Sections 452 & 453, Los Angeles Times Communications, LLC,
2 and Southern California Public Radio (collectively “Petitioners”) respectfully request that his Court take
3 judicial notice of the Letter of Legislative Intent as to SB 1421 from Senator Nancy Skinner dated
4 January 31, 2019, regarding SB 1421, (Exhibit G), the Senate Daily Journal for January 31, 2019, related
5 to Sen. Skinner’s motion (Exhibit H) as well as the fact that the motion to print the letter was approved
6 without objection in the Senate.

7 The subject of the letter is “Motion to Print in the Journal the Following Letter of Legislative
8 Intent as to SB 1421 (Skinner), Chapter 988, Statutes 2018. In the letter, Sen. Skinner states:

9 As author of SB 1421, I wish to clarify the intent of SB 1421 and the disclosure of
10 existing documents in possession of public agencies.

11 The plain language of SB 1421, Chapter 988, Statutes of 2018 and the California
12 Public Records Act within which it operates, make clear, that any and all records that
13 fit within the categories defined that are in the possession of the agency are subject
14 to disclosure when an applicable request for a public record is received regardless of
15 when those documents were created or when the underlying conduct occurred. The
16 Senate Public Safety analysis noted arguments to this effect. Therefore, it is my
17 understanding in enacting SB 1421 that the change in the law applies to all disclosable
18 records whether or not they existed prior to the date the statute went into effect. This
19 is the standard practice for public records legislation in California.

20 On January 31, 2019, Senator Skinner made a motion to have the letter printed in the Senate
21 Daily Journal, which was approved without objection.

22 The Senate Daily Journal for January 31, 2019 is available at:

23 [https://leginfo.legislature.ca.gov/faces/pubSenDailyJrn2.xhtml?type=doc&sessionyear=2019](https://leginfo.legislature.ca.gov/faces/pubSenDailyJrn2.xhtml?type=doc&sessionyear=20192020&pagenum=123&sessionnum=0)
24 [2020&pagenum=123&sessionnum=0](https://leginfo.legislature.ca.gov/faces/pubSenDailyJrn2.xhtml?type=doc&sessionyear=20192020&pagenum=123&sessionnum=0).

25 The motion can be viewed at <https://www.senate.ca.gov/media-archive> and then clicking the
26 link to watch the January 31, 2019 Senate Floor Session. The portion of the video specific to the
27 motion starts at approximately 5:12 and ends at approximately 5:37.

28 Sen. Skinner’s letter, the Senate Daily Journal, and the motion are the proper subject of judicial
notice under Evidence Code § 452(c). California Evidence Code § 452(c) requires this Court to take
judicial notice of “[o]fficial acts of the legislative, executive, and judicial departments of the United
States and of any state of the United States or any public entity in the United States.”

1 Judicial notice is also proper under Evidence Code § 452(h). California Evidence Code §
2 452(h) authorizes this Court to take judicial notice of "[f]acts and propositions that are not reasonably
3 subject to dispute and are capable of immediate and accurate determination by resort to sources of
4 reasonably indisputable accuracy."

5 Additionally, Evidence Code Section 453 requires a court to take judicial notice of matters
6 requested under Section 452 if "a party requests it and: (a) gives each adverse party sufficient notice of
7 the request, through the pleadings or otherwise, to enable such adverse party to prepare to meet the
8 request; and, (b) furnishes the court with sufficient information to enable it to take judicial notice of
9 the matter."

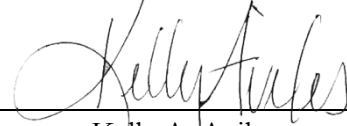
10 California Government Code Section 9080, enacted in 1996, explicitly provides that
11 documents generated in legislative deliberations are evidence of the intent of the legislature: "[t]he
12 Legislature finds and declares that legislative records relating to bills, resolutions, or proposed
13 constitutional amendments before the Legislature provide evidence of legislative intent that may be
14 important in the subsequent interpretation of laws enacted in the Legislature..."

15 Judicial notice is the statutory mechanism granting this Court broad discretion to investigate
16 the legislative intent of statutes. Evidence Code Section 454 expresses the broad authority of courts in
17 taking judicial notice. Evidence Code Section 454 provides that "(a) [i]n determining the propriety of
18 taking judicial notice of a matter, or the tenor thereof: (1) Any source of pertinent information,
19 including the advice of persons learned in the subject matter, may be consulted or used... (b)
20 Exclusionary rules of evidence do not apply except Section 352 and the rules of privilege."

21 DATED: February 7, 2019

Respectfully submitted,

22 LAW OFFICES OF KELLY AVILES

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25 Kelly A. Aviles

Attorney for Media Interveners

26 LOS ANGELES TIMES COMMUNICATIONS LLC
27 and SOUTHERN CALIFORNIA PUBLIC RADIO
28

Declaration of Kelly Aviles

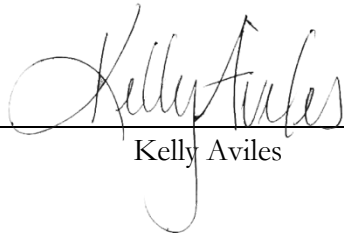
I, Kelly Aviles, declare and state as follows:

1. I am an attorney duly licensed to practice law before all of the courts of the State of California, and I am the owner and principal of the Law Offices of Kelly Aviles, counsel for Media Interveners Los Angeles Times Communications LLC and Southern California Public Radio, in the above-entitled action. The facts stated in this Declaration are true and correct of my own personal knowledge, except for those matters expressly stated on information and belief, which matters I believe to be true. If called as a witness, I could and would competently testify thereto.

2. Attached as Exhibit G is a true and correct copy of a letter from Senator Nancy Skinner regarding SB 1421.

3. Attached as Exhibit H is a true and correct copy of the January 31, 2019 Senate Daily Journal, documenting Senator Skinner's letter and motion regarding SB 1421.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed on February 7, 2019, at La Verne, California.



Kelly Aviles

Exhibit G

Exhibit H

CALIFORNIA LEGISLATURE

2019–20 REGULAR SESSION

SENATE DAILY JOURNAL

SEVENTEENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, January 31, 2019

The Senate met at 9:03 a.m.
Hon. Connie M. Leyva, of the 20th District, presiding.
Secretary Erika Contreras at the Desk.
Assistant Secretary Zachary L. Twilla reading.

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:
Allen, Archuleta, Beall, Borgeas, Bradford, Caballero, Chang, Dodd,
Durazo, Galgiani, Glazer, Grove, Hertzberg, Hill, Hueso, Hurtado,
Jackson, Jones, Leyva, McGuire, Mitchell, Monning, Moorlach, Nielsen,
Pan, Portantino, Rubio, Skinner, Stern, Stone, Umberg, Wieckowski,
Wiener, and Wilk—34.

Quorum present.

*(NOTE: Senator Atkins will be excused this day on legislative business.
Senator Bates will be excused this day due to illness. Senator Morrell will
be excused this day due to illness in the family. Senator Roth will be excused
this day on personal business.)*

PRAYER

Upon invitation of the President, the following prayer was offered by Bishop Ron Allen, Ph.D., Pastor of Great Solomon Temple Community Church:

Heavenly Father, I come to You in the name that's above all names. Asking You, Heavenly God, to be our special guest this morning and every morning of the year. Help us to decrease, as You increase in our lives.

Father God, we are asking You to bless every elected official, their families, staff and loved ones with supernatural wisdom, supernatural grace, and Your supernatural power. Be a fence of protection around them as they do the great work You, Heavenly Father, have called and chosen them to do. Give this elected body of officials, Your peace and Your love. Strengthen them as they go about their daily duties.

Heavenly Father, when all is said and done, we will not forget to give You all the praise, all the glory, and all the honor.

We pray all these things in the name above all names.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Skinner led the Senate in the Pledge of Allegiance to the Flag.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, January 31, 2019

Madam President: The Committee on Rules has examined:

SCR 7

And reports the same correctly engrossed.

ATKINS, Chair

Committee on Elections and Constitutional Amendments

Senate Chamber, January 31, 2019

Madam President: The Chair of the Committee on Elections and Constitutional Amendments, to which was referred:

SB 57

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

UMBERG, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 57—An act to amend Sections 2263 and 2265 of the Elections Code, relating to elections.

Bill read second time.

The amendments were read and adopted and the measure ordered printed, engrossed, and re-referred to the committee.

MOTIONS, RESOLUTIONS AND NOTICES
UNANIMOUS CONSENT TO APPROVE SENATE JOURNALS

Without objection, the following Senate Journals were approved as corrected by the Minute Clerk:

January 28, 2019 January 29, 2019 January 30, 2019
January 31, 2019

UNANIMOUS CONSENT TO PRINT IN JOURNAL

Senator Skinner asked for, and was granted, unanimous consent that the following letter be printed in the Journal:

January 31, 2019

Ms. Erika Contreras
Secretary of the Senate

Re: Motion to Print in the Journal the Following Letter of Legislative Intent as to SB 1421 (Skinner), Chapter 988, Statutes of 2018

Dear Ms. Contreras: As author of SB 1421, I wish to clarify the intent of SB 1421 and the disclosure of existing documents in possession of public agencies.

The plain language of SB 1421, Chapter 988, Statutes of 2018 and the California Public Records Act within which it operates, make clear, that any and all records that fit within the categories defined that are in the possession of the agency are subject to disclosure when an applicable request for a public record is received regardless of when those documents were created or when the underlying conduct occurred. The Senate Public Safety analysis noted arguments to this effect. Therefore, it is my understanding in enacting SB 1421 that the change in the law applies to all disclosable records whether or not they existed prior to the date the statute went into effect. This is the standard practice for public records legislation in California.

Thank you for the opportunity to clarify this matter.

NANCY SKINNER
Senator, 9th District

**CONSIDERATION OF DAILY FILE
THIRD READING OF SENATE BILLS**

Senate Concurrent Resolution 4—Relative to Physician Anesthesiologist Week.

Resolution read third time and presented by Senator Glazer.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (33)—Senators Allen, Archuleta, Beall, Borgeas, Bradford, Caballero, Chang, Dodd, Durazo, Galgiani, Glazer, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Jones, Leyva, McGuire, Mitchell, Monning, Moorlach, Pan, Portantino, Rubio, Skinner, Stern, Stone, Umberg, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**PRIVILEGES OF THE FLOOR
SPECIAL INTRODUCTIONS**

Senator Glazer introduced Dr. Jeffrey Poage of the Pediatric Anesthesiology Department at John Muir Health, in honor of his visit to the California State Senate.

LEAVES OF ABSENCE

The following Senator was granted leave of absence for the day on legislative business: Senator Atkins.

The following Senator was granted leave of absence for the day due to illness: Senator Bates.

The following Senator was granted leave of absence for the day due to illness in the family: Senator Morrell.

The following Senator was granted leave of absence for the day on personal business: Senator Roth.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE
SENATE DISPENSED WITH**

At 9:24 a.m., on motion of Senator Wilk, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Wilk moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, February 4, 2019.

Motion carried.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, January 30, 2019

The Committee on Rules has referred the following measures to committee:

Business, Professions and Economic Development—SB 143.

Education—SB 138, SB 148, SB 150, SB 158.

Elections and Constitutional Amendments—SB 151.

Health—SB 154.

Public Safety—SB 141, SB 145.

Rules—SB 144, SB 149, SB 152, SB 153, SB 155, SB 156, SB 157, SB 159, SCA 2.

Transportation—SB 140, SB 146, SB 147.

The Committee on Rules has referred the following measure to two committees:

Elections and Constitutional Amendments and **Governance and Finance**—SB 139.

The Committee on Rules has referred the following measure to three committees:

Labor, Public Employment and Retirement and **Judiciary and Housing**—SB 142.

The Committee on Rules has re-referred the following measure to committee:

Education—SCR 6.

Senate Chamber, January 31, 2019

Madam President: The Chair of the Committee on Rules, to which was referred:

SCA 2

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ATKINS, Chair

Second Reading of Bills—Author's Amendments

Senate Constitutional Amendment 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 15 of Article II thereof, relating to elections.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed, engrossed, and re-referred to the committee.

**MOTIONS, RESOLUTIONS AND NOTICES
MEASURES PLACED ON SPECIAL CONSENT CALENDAR**

Without objection, the following measure was set as a special consent calendar to be taken up on Monday, February 4, 2019:

ACR 10

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time, and transmitted to the Committee on Rules for assignment:

Senate Bill 193: By Senator Nielsen—An act to add Section 381f to the Penal Code, relating to nitrous oxide.

Senate Bill 194: By Senator Nielsen—An act to amend Section 185 of, and to add Section 626.5 to, the Penal Code, relating to crime.

Senate Bill 195: By Senator Nielsen—An act to amend Section 33301 of the Public Resources Code, relating to the Sierra Nevada Conservancy.

Senate Bill 196: By Senator Beall (Coauthors: Senators McGuire and Wieckowski)—An act to amend Section 532 of, and to add Section 214.18 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 197: By Senator Beall (Coauthor: Senator Galgiani)—An act to amend Section 7202 of the Public Contract Code, relating to public contracts.

Senate Bill 198: By Senator Bates—An act to amend Section 21084.1 of the Public Resources Code, relating to environmental quality.

Senate Bill 199: By Senator Hill—An act to amend Section 309.8 of the Public Utilities Code, relating to the Public Utilities Commission.

Senate Bill 200: By Senator Monning (Principal coauthor: Assembly Member Eduardo Garcia)—An act to add Chapter 4.6 (commencing with Section 116765) to Part 12 of Division 104 of the Health and Safety Code, relating to water.

Senate Bill 201: By Senator Wiener (Coauthor: Senator Beall) (Coauthors: Assembly Members Chiu, Gloria, McCarty, Quirk, and Ting)—An act to add Section 2295 to the Business and Professions Code, and to add Section 6931 to the Family Code, relating to sex characteristics.

Senate Bill 202: By Senator Wilk—An act to amend Section 802 of the Food and Agricultural Code, relating to agricultural industry.

Senate Bill 203: By Senator Bradford—An act relating to a public bank.

The following measure was offered and referred to the Committee on Rules:

Senate Resolution 15: By Senators Mitchell, Atkins, Bradford, Galgiani, and Wiener—Relative to Black HIV/AIDS Awareness Day.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Archuleta requested that when the Senate adjourns this day it do so in memory of Delores Sanchez of Los Angeles.

Senator Dodd requested that when the Senate adjourns this day it do so in memory of Ronald Altamura of American Canyon, Cynthia Mennie Vrooman of Sonoma, and Henry Fredrick Behlmer of Napa.

Senator Roth requested that when the Senate adjourns this day it do so in memory of Robert J. Melsh of Riverside.

Senator Rubio requested that when the Senate adjourns this day it do so in memory of Angelina Calderon Pinedo of Rosemead.

Senator Wiener requested that when the Senate adjourns this day it do so in memory of Peter Magowen of San Francisco.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Wilk, the Senate adjourned pursuant to the Senators' requests until 2 p.m., Monday, February 4, 2019.

NEVA MARIE PARKER, Minute Clerk

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PROOF OF SERVICE

I reside or work within in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 1502 Foothill Blvd., Suite 103-140, La Verne, CA 91750.

On **February 7, 2019**, I served the foregoing documents described as **REQUEST FOR JUDICIAL NOTICE** on the parties in this action as listed in the attached service list by the following means:

Service List

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Attorneys for Petitioner ASSOCIATION OF ORANGE COUNTY DEPUTY SHERIFFS

Electronic Service

I caused the documents to be sent to the persons at the electronic notification addresses listed above from the electronic notification address: kaviles@opengovlaw.com.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: February 7, 2019

/s/ Albert D. Aviles
Albert D. Aviles